

MINUTES OF PUBLIC MEETING  
New York City Loft Board Public Meeting

November 21, 2024

The meeting began at 2:04 PM.

**Attendees:** Charles DeLaney, Tenants' Representative; Heather Roslund, Public Member; Samira Rajan, Public Member; Elliott Barowitz, Public Member; Lenny Singletary, Manufacturer Representative; Linda Rzesniowiecki, Owner's Representative; Erin Piscopink, Public Member, Emanuela Rogers, FDNY Representative, and Guillermo Patino, Chairperson Designee.

**INTRODUCTION:**

**Chairperson Patino** welcomed those present to the November 21, 2024 public meeting of the New York City Loft Board. He briefly summarized Section 282 of the New York State Multiple Dwelling Law, which established the New York City Loft Board, and described the general operation of the Board as consistent with Article 7-C of the New York State Multiple Dwelling Law.

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**VOTE ON MEETING MINUTES:**

**Chairperson Patino** asked the staff to explain its research on whether Board members could vote on meeting minutes for meetings, which they did not attend.

**Director Cruz** informed the Board that the staff reviewed Robert's Rules of Order and found that a vote on the minutes is required but attendance is not required to vote on the proposed minutes.

**Mr. Barowitz** noted Robert Rules is not terribly clear about this issue.

**Director Cruz** reiterated that Robert's Rules required a vote on the minutes but did not require attendance.

**Mr. Barowitz** stated that he was prepared to vote on the minutes.

**Chairperson Patino** asked if there were any comments on or corrections to the minutes from the April 18, 2024 minutes. Hearing none, Chairperson Patino asked for a motion to accept the April 18, 2024 minutes.

**Mr. Singletary** moved. **Mr. Barowitz** seconded.

**The vote**

<b>Members concurring:</b>	Ms. Rzesniowiecki, Mr. Barowitz, Ms. Rogers, Mr. DeLaney, Mr. Singletary, Ms. Roslund, Ms. Rajan, Ms. Piscopink, and Chairperson Patino (9)
<b>Members dissenting:</b>	0
<b>Members abstaining:</b>	0
<b>Members absent:</b>	0
<b>Members recused:</b>	0

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**Chairperson Patino** asked if there were any comments on or corrections to the minutes from the June 20, 2024 minutes. Hearing none, Chairperson Patino asked for a motion to accept the June 20, 2024 minutes.

**Mr. Singletary** moved, and **Ms. Rajan** seconded.

**The vote**

<b>Members concurring:</b>	Ms. Rzesniowiecki, Mr. Barowitz, Ms. Rogers, Mr. DeLaney, Mr. Singletary, Ms. Roslund, Ms. Rajan, Ms. Piscopink, and Chairperson Patino (9)
<b>Members dissenting:</b>	0
<b>Members abstaining:</b>	0
<b>Members absent:</b>	0
<b>Members recused:</b>	0

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**Chairperson Patino** asked if there were any comments on or corrections to the minutes from the July 18, 2024 minutes. Hearing none, Chairperson Patino asked for a motion to accept the July 18, 2024 minutes.

**Mr. Singletary** moved, and **Ms. Roslund** seconded.

**The vote**

<b>Members concurring:</b>	Ms. Rzesniowiecki, Mr. Barowitz, Ms. Rogers, Mr. DeLaney, Mr. Singletary, Ms. Roslund, Ms. Rajan, Ms. Piscopink, and Chairperson Patino (9)
<b>Members dissenting:</b>	0
<b>Members abstaining:</b>	0
<b>Members absent:</b>	0
<b>Members recused:</b>	0

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**Chairperson Patino** asked if there were any comments on or corrections to the minutes from the October 17, 2024 minutes. Hearing none, Chairperson Patino asked for a motion to accept the October 17, 2024 minutes.

**Ms. Piscopink** moved, and **Mr. Singletary** seconded.

**The vote**

<b>Members concurring:</b>	Ms. Rzesniowiecki, Mr. Barowitz, Ms. Rogers, Mr. DeLaney, Mr. Singletary, Ms. Roslund, Ms. Rajan, Ms. Piscopink, and Chairperson Patino (9)
<b>Members dissenting:</b>	0
<b>Members abstaining:</b>	0
<b>Members absent:</b>	0
<b>Members recused:</b>	0

**REPORT OF THE EXECUTIVE DIRECTOR**

**1. Annual IMD registrations.**

The Loft Board received registration renewals for 255 buildings. Thirteen (13) building owners sent partial registration filings or have requested payment plans. We are working with these owners before enforcement begins.

In total, we have thirty-six (36) building owners that have not renewed their annual registration.

**2. The Fact Sheets.**

The Fact Sheets for Letters of No Objection, Sale of Rights and Sale of Improvements will be posted on the Loft Board's website.

**3. Delivery of the Meeting Materials**

We will soon share the meeting materials via a One Drive link. The data security team at the Department has asked to restrict the ability to download the backup materials. You will be able to view them but not download them.

**Director Cruz** asked for feedback.

**Mr. Barowitz** asked if this request came from the Law Department.

**Director Cruz** said that the request came from the data security professionals at the Department.

**Director Cruz** offered to send a separate email with the proposed orders.

**Mr. Barowitz** asked what would happen if we all pledged that we would download it and then destroy it.

**Director Cruz** said that she will ask the data professionals.

**Ms. Rajan** asked if Wi-Fi will be provided during the meetings. If not, the materials will not be available during the meeting.

**Mr. DeLaney** asked the reason for the change.

**Director Cruz** answered data security.

**Mr. DeLaney** stated that he frequently prints pages of backup materials to refer to it during the meetings and he is not clear why this is an issue, and whether the preventive measure is warranted. It will hamper the ability to do the Board's function.

**Mr. DeLaney** noted that Ms. Roslund does not print the backup but downloads it.

**Mr. DeLaney** asked what would happen if the Board opposed.

**Director Cruz** noted that the ShareFile system will no longer be available.

**Mr. DeLaney** asked if the OneDrive system is the only alternative.

**Director Cruz** stated that the staff will continue the discussions with the Department's data security professionals to determine if there is another way this can be done, but she is not optimistic.

**Mr. DeLaney** noted that proposed settlements, proposed orders, and report and recommendation stipulations should not be restricted. Board members should be allowed to download them.

**Director Cruz** said that proposed orders and reports can be emailed.

**Director Cruz** noted that the coverage case on the agenda is a good example. The backup materials contained copies of the applicant's license, bank account information, credit card information. This information is routinely part of the evidence in coverage cases.

**Director Cruz** further added that when the staff produces FOIL documents, the private information is redacted. Private information includes a social security number, banking information and credit card information.

**Ms. Roslund** asked whether there will be Wi-Fi access.

**Director Cruz** said she will inquire.

**Mr. DeLaney** stated that Wi-Fi is not an adequate solution because he writes notes on the proposed order.

**Director Cruz** noted that proposed orders are not the issue. Proposed orders can be shared by email.

#### **4. Personnel**

A new legalization attorney has been chosen.

**Chairperson Patino** introduced Ms. Storey who presented an update on legalization and enforcement.

#### **ENFORCEMENT REPORT**

**Ms. Storey** mentioned that the staff had a meeting about possible litigation concerning one of our buildings.

**Ms. Storey** stated that the staff has completed four legalization conferences and nine narrative statement conferences since the October board meeting. The staff has scheduled fourteen (14) narrative statement conferences scheduled between November, December and January.

**Mr. DeLaney** asked for specifics about the possible litigation involving a building in the Loft Board's jurisdiction.

**Director Cruz** stated that the discussion should be held in executive session at the end of the meeting because it involved potential litigation.

**Mr. DeLaney** requested clarification on the difference between a narrative statement conference and a legalization conference.

**Ms. Storey** explained that a narrative statement conference is a meeting with owners and tenants. Tenants are given an opportunity to discuss and comment on the proposed legalization work. In a legalization conference, the staff will request the participation of the professionals to resolve a disagreement between the parties. We can also request a meeting to discuss housing maintenance issues. Access can be arranged during these meetings. If the owner does not address the issue, then the staff will discuss enforcement.

**Mr. DeLaney** asked whether the tenants are given notice about the legalization conference.

**Ms. Storey** said both sides are given notice. The professionals on both sides are given notice. Both sides are needed to reach an agreement.

**Mr. DeLaney** asked whether tenants and owners are permitted to attend legalization conferences.

**Ms. Storey** stated that it depends on the issue. The parties are invited to discuss housing maintenance issues. The staff attempts to schedule access dates.

**Ms. Roslund** asked about the type of professionals invited.

**Ms. Storey** responded that lawyers and architects for both sides are invited.

**Chairperson Patino** introduced the discussion on the proposed amendments to Title 29 of the Rules of the City of New York §§ 2-04, 2-05 and 2-11.1 and asked the Loft Board's legal intern, Estafania Ruiz to briefly describe her findings and her research of the Multiple Dwelling Law, NYC Building Code and NYC Fire Code.

Ms. Ruiz stated that her research established that the owner has the duty and obligation to maintain in good repair and maintain the common areas, including the egress. The owner's duty nondelegable. Tenants in the building also have the obligation not to encumber the fire escape.

Under the New York City Housing Maintenance Code, § 27- 2005 requires that the owner of the multiple dwelling shall keep the premises in good repair. Under the New York City Fire Code § 1027, the means of egress must be maintained. It is unlawful to obstruct or impede access to any required means of egress. Section 270 of the New York State Multiple Dwelling Law requires that owners of a multiple dwelling are responsible for keeping the building in good repair, including common areas and the egress pathways. Section 53 of the Multiple Dwelling Law is directly on point because it deals with fire escape maintenance. It requires that the owner keep and maintain all fire escapes in good condition.

Additionally, under § 53 of the Multiple Dwelling Law, it is a criminal violation punishable as misdemeanor if a tenant places an encumbrance on the fire escape.

This suggests that the owner should not resort to self-help in these situations.

**Director Cruz** described the changes in the latest draft of the proposed rules. The first change was a correction on page 7. The draft of the proposed rule discussed at the October Board meeting did not have the correct fine amounts for the failure to register. The current draft includes the correct fines for failure to register.

The Board discussed consistency in the fine amount for failure to register and failure to comply with the fire egress rules. The change was added to the proposed rule.

On page 2, the staff added the definition of “means of egress” as requested.

On page 3, under (A), the staff added language that requires that the fire escapes be maintained free from obstructions and ready for immediate use in the event of a fire or other emergency.

Lastly, Director Cruz noted that, on page 4, the proposed rule still has the language that the owner may remove the personal items immediately. However, this requirement was not found in the Fire Code, Building Code or in the Housing Maintenance Code.

**Mr. Barowitz** asked what happens when a package is delivered, and it is placed in the hallway or the means of egress.

**Director Cruz** responded that the purpose of the rule is to address the storage of personal items in the common areas including the stairwells and on the fire escapes.

The primary objective is to keep shoes, strollers, any other personal item out of the means of egress. These areas should contain nothing that would impede the use of a stretcher or create a trip hazard in a smoky situation.

In most of the buildings, packages stored in a mail room or left in the lobby.

The staff provided a draft of the Loft Board notice. It'll be a requirement that this notice be posted.

The goal is to inform all building occupants that there should be no personal items outside of an apartment. There can be nothing that is a potential trip hazard.

**Director Cruz** stated that she will consider any suggestions about the notice. The goal is to have the notice right next to the Loft Law notice in the lobby or near the mailboxes or anywhere where the tenants have access.

**Ms. Roslund** asked whether the proposed rule included a penalty for the failure to post the sign.

**Director Cruz** stated that if one was not proposed, the staff would add it.

**Ms. Rogers (FDNY Representative)** read from 2022 NYC Fire Code § 1027.4.5 and noted that the Fire Code prohibits personal property, bicycles, baby strollers, clothing and other items of personal property shall not be stored in the building hallway corridors, except, as may be authorized and allowed by the Fire Department. Ms. Rogers further noted that § 1027.4.1 provided for incidental furnishings like a console table, console, bench, mirror and umbrella stand provided that the minimum required egress is maintained. All such furnishings must be incidental to use, and that the purpose of such furnishings is primarily decorative and for the convenience of persons passing through the hallways. Incidental furnishing shall not include furniture used to store clothing or other combustible items.

**Mr. Barowitz** commented that the Fire Department's rules are terrific.

**Director Cruz** noted that the proposed rule gives us the authority to act immediately and impose fines if it necessary.

**Ms. Rogers** further noted that Fire Code § 1027 also has a section about fire escapes which requires that fire escapes be maintained in a safe and operational condition and continuously maintain free from obstructions and impediments to immediate use in the event of a fire or other emergency.

**Ms. Roslund** requested that the staff review the proposed rule for consistency of the capitalization of defined terms.

**Ms. Roslund** identified the text on page 3 section 2 subsection 11 and asked whether the term "fire ladder" should be changed to fire escape. She further noted that not all fire escapes have a fire ladder. Some have a fire stair. The change in language would include both situations.

**Director Cruz** asked if the Board members wish to keep the language requiring the immediate removal of items left in the means of egress.

**Ms. Piscopink** stated that the owner is responsible for maintaining egress. Owners must remove items left in the hallway to uphold their obligation to maintain egress.



**Ms. Roslund** added that the same obligation is in the fire code. It is implied in all the codes that personal items may not be stored in means of the egress including the corridors, the stairs and the fire escapes. It is not explicitly stated is whose responsibility it is to remove the personal items.

The current draft of this proposed rule, it explicitly states that the owner is responsible and if the owner does not fulfill that responsibility, there's a penalty. Ms. Roslund asked if the explicit assignment to the owner is necessary to impose a penalty.

**Director Cruz** answered no and stated a preference to be consistent with other governing law.

**Mr. Barowitz** noted that the items could be stored in the basement.

**Director Cruz** answered yes. It is the owner's choice.

**Mr. DeLaney** stated that in the same section, the language should read "storage of items in a corridor used for egress is prohibited."

**Director Cruz** said yes.

**Ms. Roslund** asked whether corridor should be changed to means of egress.

**Mr. Barowitz** asked whether the language could be more specific. It is conceivable that the proposed rule would permit storage of personal items in an elevator. He stressed that owners and tenants should understand what is prohibited.

**Director Cruz** noted that the Board can amend the rule if there is confusion.

**Mr. DeLaney** asked if the Board can issue the final vote today.

**Director Cruz** said yes. The vote should include the changes we discussed and the fine for the failure to post the notice.

**Mr. Barowitz** noted that if the rule is not voted for final approval and publication it would have to wait until January 2025.

**Director Cruz** further noted that the staff will go back to the Law Department for final approval.

Ms. Roslund requested a summary of the proposed changes discussed.

**Chairperson Patino** listed the changes as follows:

1. Review for consistent capitalization throughout the proposed rule;

2. Add a fine amount for the failure to post the required notice; **Chairperson Patino** proposed a \$1000 fine to be consistent with the failure to post IMD notice.
3. Removed subsection c and d under personal property stored in the means of egress section;
4. Under the proposed § 2-04(b)(11)(iii), the language in (a) should be storage of items in the means of egress is prohibited.

**Ms. Roslund** added that subsection (i)(K) fire ladder should be changed to fire escape.

**Chairperson Patino** asked there were any additional changes.

**Chairperson Patino** asked for a motion for final vote with the changes discussed.

**Ms. Piscopink** moved. **Mr. Singletary** seconded.

**The vote:**

<b>Members concurring:</b>	Ms. Rzesniowiecki, Mr. Barowitz, Ms. Rogers, Mr. DeLaney, Mr. Singletary, Ms. Roslund, Ms. Rajan, Ms. Piscopink, and Chairperson Patino (9)
<b>Members dissenting:</b>	0
<b>Members abstaining:</b>	0
<b>Members absent:</b>	0
<b>Members recused:</b>	0

**Chairperson Patino** clarified that the motion was to move forward with the proposed amendments to Title 29 of the rules of the City of New York, §§ 2-04, 2-05 and 2-11.1 with the amendments that include consistent use of capitalization throughout the proposed rule, adding a \$1,000 fine to the penalty schedule for failure to post the required notice; removing sections c and d under personal property stored in the means of egress section and in that same section, section a should read storage of items in the means of egress is prohibited and subsection K in (i) replace the word ladder with escape.

**Mr. DeLaney** asked if the proposed rule had to come back to the Board for a final vote.

**Director Cruz** said no.

**THE CASES:**

**Summary Calendar:**

	<b>Applicant(s)</b>	<b>Address</b>	<b>Docket No.</b>
1.	Shimrit Associates Inc.	57 Thames Street, Brooklyn	LS-0308
<i>The Loft Board deemed the access application withdrawn without prejudice.</i>			

**Chairperson Patino** asked for a motion to accept these cases, and for a second.

**Mr. Barowitz** moved to accept this case, and **Mr. Singletary** seconded.

**The vote**

<b>Members concurring:</b>	Mr. Barowitz, Ms. Piscopink, Ms. Rogers, Mr. DeLaney, Mr. Singletary, Ms. Roslund, Ms. Rajan, Chairperson Patino (8)
<b>Members dissenting:</b>	0
<b>Members abstaining:</b>	Ms. Rzesniowiecki (1)
<b>Members absent:</b>	0
<b>Members recused:</b>	0

**Master Calendar:**

	<b>Applicant(s)</b>	<b>Address</b>	<b>Docket No.</b>
2.	Martin Stigsgaard	325 Canal Street, New York	TR-1400
<i>The Loft Board granted the application for Article 7-C coverage under MDL §281(5).</i>			

**Ms. Oyegue** presented the case.

**Chairperson Patino** noted two revisions to the proposed order. The first revision added a sentence to the end of Section II which states that “On June 20, 2007, Tenant signed a lease for the second-floor unit.” The second revision was a correction on page 3. The second sentence in the first paragraph should read “In 1982, the Legislature enacted Article 7-C and established the statutory criteria for coverage in MDL § 281(1).”

**Chairperson Patino** asked if there were any comments on the case. Hearing none, **Chairperson Patino** asked for a motion to accept this case as amended.

**Ms. Roslund** moved to accept this case, and **Mr. Singletary** seconded.

**The vote:**

<b>Members concurring:</b>	Ms. Rzesniowiecki, Mr. Barowitz, Ms. Rogers, Mr. DeLaney, Mr. Singletary, Ms. Roslund, Ms. Rajan, Chairperson Patino (8)
<b>Members dissenting:</b>	0
<b>Members abstaining:</b>	Ms. Piscopink (1)
<b>Members absent:</b>	0
<b>Members recused:</b>	0

**Chairperson Patino** noted the next case on the agenda is a removal case:

	<b>Applicant(s)</b>	<b>Address</b>	<b>Docket No.</b>
3.	792 Flushing Lofts LLC	792 Flushing Avenue, Brooklyn	RA-0016, RG-0217

		LE-0757
<i>The Loft Board granted the removal application.</i>		

**Chairperson Patino** asked if there were any comments on this case. Hearing none,

**Chairperson Patino** asked if there was a motion to accept this case.

**Mr. DeLaney** moved, and **Ms. Rajan** seconded.

**The vote:**

<b>Members concurring:</b>	Ms. Rzesniowiecki, Mr. Barowitz, Ms. Rogers, Ms. Piscopink, Mr. DeLaney, Mr. Singletary, Ms. Roslund, Ms. Rajan, Chairperson Patino (9)
<b>Members dissenting:</b>	0
<b>Members abstaining:</b>	0
<b>Members absent:</b>	0
<b>Members recused:</b>	0

**Chairperson Patino** asked for a motion to go into executive session to discuss proposed litigation.

**Mr. DeLaney** moved, and **Ms. Piscopink** seconded.

**Chairperson Patino** asked for a motion to go back on the record.

**Mr. DeLaney** moved, and **Ms. Piscopink** seconded.

**The vote:**

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<b>Members concurring:</b>	Ms. Rzesniowiecki, Mr. Barowitz, Ms. Rogers, Ms. Piscopink, Mr. DeLaney, Mr. Singletary, Ms. Roslund, Ms. Rajan, Chairperson Patino (9)
<b>Members dissenting:</b>	0
<b>Members abstaining:</b>	0
<b>Members absent:</b>	0
<b>Members recused:</b>	0

**Meeting concluded at 3:12pm.**